

OLC 75-0302

18 February 1975

MEMORANDUM FOR: Deputy Director for Administration

SUBJECT : Delegation of Authority under Freedom of
Information Act and Executive Order 11652

1. The authority vested in me by the Director of Central Intelligence pursuant to his memorandum of 6 February 1975, subject as above, is hereby delegated to:

[redacted] Deputy Legislative Counsel
[redacted] Assistant Legislative Counsel

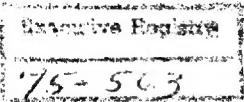
2. [redacted] are authorized to either release or withhold information maintained by or under the control of the Office of Legislative Counsel when a request is made for such information under the Freedom of Information Act or Executive Order 11652.

3. [redacted] will be the principal officer for making initial determination for the Office of Legislative Counsel. [redacted] will assume this responsibility in the absence of [redacted]. This authority shall not be exercised by any other member of the Office of Legislative Counsel.

SIGNED

George L. Cary
Legislative Counsel

cc/ Administrative Officer/DCI



OGC 75-0376

6 February 1975

MEMORANDUM FOR: The Director of Central Intelligence

SUBJECT : Delegation of Authority under Freedom of
Information and Executive Order 11652

1. The amendments to the Freedom of Information Act, which will become effective February 19, will require the Agency to carefully consider requests for documents addressed to us by members of the public and to grant or deny such requests in accordance with applicable law and policy. Any refusal to furnish documents may be appealed within the Agency. This paper recommends the delegation of authority to act on these matters.

2. The Management Committee, on 3 February, concluded that appeal authority within the Agency should be vested in a committee composed of the six Deputy Directors with the committee authorized to delegate to one or more members the authority to act in specific cases or categories of cases or with respect to categories of information or otherwise. It is intended that the committee authority to delegate to its members be broad, permitting it to be flexible and to adjust its practices and rules as it gains experience.

3. It is anticipated also that each Deputy Director and office head who reports to the Director will authorize one or more senior officials within his component to act in the first instance on requests involving information for which the directorate or office has the primary responsibility. The attached paper would accomplish both of these delegations in language which also precludes giving initial action and appeal authority to the same persons.

4. The delegation of appeal authority is directed to the DD/A with the further authority in him to re-delegate. This is done in recognition that the regulation creating the appeal committee and establishing its charter is intended to become effective on the approval of the DD/A.

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5. It seems likely that the question of the authority of Agency officials to take the actions upon which the Agency has responded to requests may be at issue when and if litigation develops. The delegations accordingly are in broad terms and there is no attempt to specify the categories or nature of documents in which a delegated employee may act. It is anticipated the original of each delegation of authority will be maintained in this Office for use when and if needed in litigation or otherwise.

6. It is recommended that you delegate authority by signing the attached memorandum.

STAT

JOHN S. WARNER
General Counsel

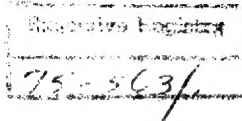
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att

CONCURRENCE:

John F. Blake
Deputy Director
for
Administration

OGC:RHL:arr (5 Feb 75)
Original - returned to OGC
1 - DCI
1 - DDCI
✓ 1 - ER via Ex Secy
1 - DD/A



6 FEB 1975

MEMORANDUM FOR: Deputy Director for Administration
Deputy Director for Intelligence
Deputy Director for Operations
Deputy Director for Science & Technology
Deputy to the Director/NIO
Deputy to the Director/IC
Inspector General
Legislative Counsel
General Counsel
Comptroller

SUBJECT : Delegation of Authority under Freedom of
Information and Executive Order 11652

1. Effective this date, I hereby delegate authority for Agency action responsive to requests under the Freedom of Information Act, Executive Order 11652 and applicable regulations and policies, as follows:

(a) to each addressee, the authority to release documents and records and portions thereof and to deny or withhold documents and records;

(b) to each addressee, the authority to delegate to subordinates any authority delegated to him by subparagraph (a) of this memorandum;

(c) to the Deputy Director for Administration, the authority to delegate to senior Agency officials, including the Deputy Director for Administration, the authority to act on any appeal from any decision denying or withholding records and any other appeal arising from the Freedom of Information Act or the Executive Order.

2. The delegation of authority by subparagraph 1(a) of this memorandum shall cease as to any addressee to whom authority to act on appeals is delegated pursuant to subparagraph 1(c). No delegation of authority pursuant to subparagraph 1(c) shall terminate any delegation by subparagraph 1(b).

W. E. Colby

W. E. Colby
Director

8 FEB 1975

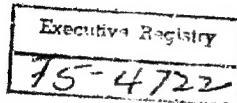
FEB 1975

Date

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Original - returned to OGC

- 1 - Each Addressee
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ATTORNEY GENERAL'S MEMORANDUM

ON THE

1974 AMENDMENTS

TO THE

FREEDOM OF INFORMATION ACT



UNITED STATES DEPARTMENT OF JUSTICE

FEBRUARY 1975

Note: This copy is part of an initial duplication made to permit distribution by February 19, 1975. A supply of printed and bound copies of this memorandum in the form of a 6" x 9" booklet will be available within a few days.

ATTORNEY GENERAL'S MEMORANDUM

ON THE

1974 AMENDMENTS

TO THE

FREEDOM OF INFORMATION ACT

A Memorandum For The Executive Departments and Agencies Concerning The Amendments To The Freedom of Information Act (5 U.S.C. 552, sometimes referred to as section 3 or the public information section of the Administrative Procedure Act) effected by P.L. 93-502, enacted November 21, 1974 and effective February 19, 1975

Citations: This Memorandum may be cited as "A.G.'s 1974 FOI Amdts. Mem." The June 1967 Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act is cited herein as "A.G.'s 1967 FOI Mem." (For the form of citation of legislative reports on the 1974 Amendments as used herein, see Appendix III-A, below.)

UNITED STATES DEPARTMENT OF JUSTICE

Edward H. Levi, Attorney General

February 1975

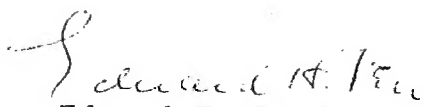
It is contemplated that this Memorandum, shortly after its original issuance, will be printed and made available for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D. C. 20402 at a price of ____.

FOREWORD

When the Freedom of Information Act was enacted in 1967, Attorney General Clark issued a memorandum on its application and interpretation for the guidance of all Federal departments and agencies. The 1974 Amendments to the Act represent a less fundamental change from existing practice than did the Act itself; yet in several respects they pose legal and administrative problems of great complexity. For that reason, and because of the high public importance of the program which the Amendments affect, I have thought it appropriate to meet their enactment with guidelines similar to the 1967 memorandum.

Despite the short time available, an extensive consultative process has been followed in the preparation of these guidelines, including the solicitation of advice from those concerned with Freedom of Information matters in many agencies of the Government, and from the professional staffs of the congressional committees responsible for the Amendments. The guidance does not purport to be exhaustive, and I invite further comments from the agencies, and from the public, which may assist in achieving effective administration of the Act.

The President has asked me, in issuing these guidelines, to emphasize on his behalf that it is not only the duty but the mission of every agency to make these Amendments effective in achieving the important purposes for which they were designed. The Department of Justice will continue to regard the encouragement of sound and effective implementation of the Freedom of Information Act as one of its most important responsibilities.


Edward H. Levi
Attorney General

February 1975

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EXECUTIVE SECRETARIAT

Routing Slip

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4	DDS&T				
5	DDI				
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8	D/DCI/IC				
9	D/DCI/NID				
10	GC		X		
11	LC				
12	IG				
13	Compt				
14	D/Pers				
15	D/S				
16	DTR				
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Remarks:

To 19: Please make further distribution as appropriate.

D/Executive Secretary

02/18/75

Date

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EXECUTIVE SECRETARY FILE

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OGC 75-0194
23 January 1975

MEMORANDUM FOR: The Director of Central Intelligence

SUBJECT : Appointment of Members of CIA Information
Review Committee

1. Recently the Agency regulation prescribing membership in the CIA Information Review Committee, which is the Agency appeal level under Executive Order 11652 and the Freedom of Information Act, was revised to provide that the Committee is composed of "such senior officials of the Agency as the Director may appoint." This was done partly to update the then existing regulation, which named as members the Executive Director, the Inspector General and the General Counsel. The Deputy Director for Administration has been serving as a member and Chairman, as the successor to the Executive Director, but this has never been formalized. Additionally, the regulatory provision as to membership was couched in these general terms in order to permit changes in membership without requiring modification of the regulation.

2. The revised regulation also provides that the "Director shall also designate a chairman." The Executive Order requires that the chairman be the same official who is designated pursuant to the Executive Order to "ensure effective compliance with and implementation of" the Order. Our regulation designates the Deputy Director for Administration as the latter official. Thus, it is required that the Deputy Director for Administration be appointed as the Chairman of the Committee.

3. Some urgent matters now require action by the CIA Information Review Committee, as soon as possible.

4. It is recommended that you appoint as members of the CIA Information Review Committee the Deputy Director for Administration, the Inspector General and the General Counsel. Further, it is recommended that you designate the Deputy Director for Administration as Chairman. Your signature at the approval space below will accomplish both.

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5. A major revision of the Agency regulation under the Freedom of Information Act and Executive Order 11652 is in process. One point under study, involving both legal and policy considerations, is that of membership of the appeal committee or committees to be utilized under the amended Act. It may be that the existing CIA Information Review Committee will be replaced by a different appeal machinery, or that membership different from the foregoing will be recommended for inclusion in our regulation, to be issued by mid-February. Recommendations will be forwarded when needed.

[Redacted]

STAT

[Redacted]

JOHN S. WARNER
General Counsel

STAT

CONCURRENCE

[Redacted]

Deputy Director
for
Administration

[Redacted]

/s/ W. E. Colby

APPROVED: _____

DISAPPROVED: _____

22 Jan 75
Date

24 JAN 75

Date

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